

ORDINANCE NO. 09-835

AN ORDINANCE OF THE CITY OF WEST
HOLLYWOOD AMENDING THE REGULATIONS
GOVERNING CONTRIBUTIONS TO MUNICIPAL
ELECTION CAMPAIGNS FOR CITY COUNCIL
OFFICES AND AMENDING THE WEST
HOLLYWOOD MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.76 of Title 2, Article 4 of the West Hollywood
Municipal Code is amended in its entirety to read as follows:

2.76.010 Purpose

The purpose of this chapter is to establish limits on the amounts of money that may be contributed to political campaigns in municipal elections for city council office. It is the City Council's intent to address the perception that unregulated campaign contributions lead to improper influence over elected officials and to establish realistic, narrowly tailored and enforceable limits on the amounts which may be contributed to political campaigns consistent with rights of political expression protected by the United States Constitution.

The City Council finds that the establishment of campaign contribution limits is authorized by Section 10202 of the California Elections Code and Section 81013 of the California Government Code.

The Council further finds that the limit imposed herein is not so low as to infringe on candidates' ability to communicate with the voters, as evidenced by the research and report prepared by the City Clerk indicating that in recent municipal elections the large majority of contributions were in amounts at or lower than the limit imposed herein.

2.76.020 Definitions

The definitions set forth in the Political Reform Act of 1974, as amended (California Government Code Sections 81000 *et seq.*) shall govern the interpretation of this chapter. As used in this chapter:

- a. The word "candidate" shall include a candidate's controlled committee.
- b. A "committee" shall be limited to a committee formed or existing primarily to support or oppose a candidate for City Council.

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2.76.030 Contribution Limitations.

No person shall make a contribution to any candidate or any committee that would cause the total amount contributed by such person to exceed five hundred dollars (\$500.00) in connection with any single election. No candidate for City Council or any committee shall solicit or accept a contribution from any person that would cause the total amount received from such person to exceed five hundred dollars (\$500.00) in connection with any single election.

For purposes of this section:

a. Contributions by spouses or domestic partners shall be treated as separate contributions and shall not be aggregated.

b. Contributions by children under the age of eighteen shall be attributed equally to each parent or guardian.

This section shall not apply to expenditures by a candidate of his or her own funds in support of his or her own campaign.

2.76.040 Election Cycle.

No person shall make a contribution to any candidate or any committee prior to the date that is twenty-four months before the election for which the contribution is made or after the date that is six months following the election for which the contribution is made. No candidate for City Council or any committee shall solicit or accept a contribution from any person prior to the date that is twenty-four months before the election for which the contribution is made or after the date that is six months following the election for which the contribution is made.

2.76.050 Campaign Accounts.

No candidate for City Council or committee shall expend contributions received in connection with a particular election on campaign expenses associated with a subsequent election. Campaign accounts of candidates elected to office shall be redesignated as officeholder accounts on the date that is nine months following an election and maintained in compliance with Section 2.76.060. Any surplus funds beyond those permitted to be retained in an officeholder account shall be expended exclusively in compliance with Government Code Section 89515 or remitted to the City to be used for programs that enhance voter education and participation in elections. Candidates shall provide the City Clerk with documentary evidence that the balance in their campaign accounts complies with Section 2.76.060 within ten days of the date that is nine months after the election.

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2.76.060 Officeholder Accounts

Following the municipal election at which a candidate is elected or re-elected, the candidate's campaign account shall be redesignated as an officeholder account. No person shall make and no City Councilmember shall solicit or accept a contribution directly into an officeholder account. An officeholder account shall not hold more than ten thousand dollars (\$10,000.00) at any one time. Funds in an officeholder account shall be used only for officeholder expenses associated with holding office in accordance with Sections 89512 through 89519 of the California Government Code, excluding that part of Subsection 89513(g) pertaining to loans to candidates, political parties or committees. Funds in an officeholder account shall not be used or expended (a) in connection with an election of the City Councilmember or any other person for any elected office, (b) for campaign consulting, research, polling or similar services in connection with an election, (c) for membership dues in any athletic club or similar club or organization membership in which is primarily personal or social (but excluding membership in or contributions to community-serving or civic organizations), (d) as supplemental compensation for City employees for performance of an act that would be required or expected of that person in the regular course of his or her duties, or (e) for any expenditure that would violate the provisions of Government Code sections 89506 and 89512 through 89519. Every City Councilmember who establishes and maintains an officeholder account shall file with the City Clerk a semi-annual report on a form provided by the Clerk enumerating all deposits into the officeholder account and identifying all disbursements from the account in excess of one hundred dollars (\$100.00) by showing the payee, date, amount, person(s) whose expenses were reimbursed and purpose of each such disbursement. The Councilmember shall retain all receipts, invoices and other documents documenting disbursements from the account.

2.76.070 Remedies for Violations.

In addition to any other remedy provided by law, the portion of any contribution that exceeds the maximum contribution permitted by this Chapter shall be remitted to the City and used for programs that enhance voter education and participation in elections.

SECTION 2. Notwithstanding the provisions of Sections 2.76.030 and 2.76.040, a person may make and a candidate or committee may solicit and accept a contribution not to exceed \$1,000.00 for the purpose of retiring a campaign debt incurred in connection with the March 2009 municipal election until May 5, 2010.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 21st day of December, 2009 by the following vote:

AYES:	Councilmember:	Duran, Horvath, Prang, Mayor Pro Tempore Heilman, and Mayor Land.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

(d)(5)

ABBE LAND, MAYOR

ATTEST:

(d)(5)

THOMAS R. WEST, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, THOMAS R. WEST, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 09-835 was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 21st day of December, 2009, after having its first reading at the regular meeting of said City Council on the 7th day of December, 2009.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 22nd DAY OF DECEMBER, 2009.

(d)(5)

Thomas R. West, City Clerk